

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

DAWNA ALLEN,

Plaintiff,

v.

CIVIL ACTION NO. 2:19-00097

ANDERW SAUL,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant the Claimant's request for judgment on the pleadings to the extent that the final decision be reversed (ECF No. 14), deny the Defendant's request to affirm the decision of the Commissioner (ECF No. 17); reverse the final decision of the Commissioner, and remand this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings in order for the Administrative Law Judge to properly consider and evaluate the evidence of record that supports an appropriate residual functional capacity assessment. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **GRANTS** Claimant's request for judgment on the pleadings to the

extent that the final decision be reversed (ECF No. 14), **DENIES** Defendant's request to affirm the decision of the Commissioner (ECF No. 17); **REVERSES** the final decision of the Commissioner, and **REMANDS** this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings in order for the Administrative Law Judge to properly consider and evaluate the evidence of record that supports an appropriate residual functional capacity assessment.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: September 13, 2019

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE